

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on February 13, 2001 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Pete Ekegren (R)
Sen. Eve Franklin (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)

Members Excused: Sen. Ed Butcher
Sen. Jon Ellingson
Sen. Jon Tester

Members Absent: None.

Staff Present: Roberta Opel, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 301, HB 258, HB 325,
2/9/2001
Executive Action: SB 301, SB 286, SB 304

HEARING ON SB 301

Sponsor: SEN. BILL TASH, SD 17, Dillon

Proponents: None

Opponents: None

Opening Statement by Sponsor:

SEN. BILL TASH, SD 17, Dillon moved to Table SB 301. The bill was intended to deal with problems on the Beaverhead and Big Hole Rivers, he told the committee, but the FWP Commission made the bill a moot point by placing moratoriums on both rivers until the full-affect of recreation on the rivers can be determined.

EXECUTIVE ACTION ON SB 301

Motion/Vote: SEN. TASH MOVED TO TABLE SB 301. The motion carried unanimously, 11-0.

EXECUTIVE ACTION ON SB 286

Motion: SEN. MIKE SPRAGUE MOVED SB 286 DO PASS AS AMENDED.

Discussion: SEN. MIKE SPRAGUE told the committee there was an amendment to the bill which he asked **Mary Vandebosch** to explain.

Mary Vandebosch said the amendments were requested by FWP with negotiation about the content of the amendment from the bill sponsor, **SEN. EMILY STONINGTON**. The amendments authorize additional improvements to the Headwaters State Park described in Section 5 of the bill.

SEN. SPRAGUE told the committee he wanted to have **SEN. STONINGTON'S** amendment clarified.

Mary Vandebosch said that clarifications within the bill made the amendment a requirement.

Motion: SEN. TASH MOVED TO AMEND SB 286 (SB0028601.amv).

Vote: The motion carried unanimously, 11-0.

Motion/Vote: SEN. EVE FRANKLIN MOVED SB 286 DO PASS AS AMENDED. The motion carried unanimously, 11-0.

Discussion: SEN. WELLS said he received a note of concern regarding the bill from the Lewis & Clark Headwater's Chapter. He said he would prefer the bill not be moved until he could speak to them. Their note requested further interpretation of the sites throughout the park, he told committee members.

SEN. FRANKLIN said she recalled a similar conversation that had been addressed in the presentation of the bill regarding low signs at the Park.

SEN. SPRAGUE said it appeared everyone was in cooperation with the bill.

SEN. WELLS said that was agreeable.

Discussion:

SEN. SPRAGUE said the committee needed to discuss the boating safety bill.

Mary Vandembosch stated it was her understanding that the committee vote taken today would be to determine if a committee bill should be drafted. This vote would require 3/4 of all members. FWP would be best source to explain what this bill would do, she said.

Doug Monger, Administrator, FWP, Parks Division, said the bill involved the boat decal fee paid when boats are registered. Currently, that cost is \$2. The committee bill would raise the fee to \$5; a fee paid by boaters to provide, in part, facilities, law enforcement, and ethics training. The fee would then be commensurate with Off-Highway Vehicle (OHV) and snowmobile registration.

SEN. SPRAGUE said that was the intent of the bill.

Motion/Vote: MEMBERS IN FAVOR OF REQUESTING PREPARATION OF A COMMITTEE BILL. The motion carried unanimously, 9-0.

EXECUTIVE ACTION ON SB 304

Discussion:

Don Childress, Administrator, Fish, Wildlife & Parks, Wildlife Division, said he had discussed amendments to the bill with bill sponsor **SEN. LINDA NELSON.** He said the effective date had been changed to July 1, 2001 to allow for the rule-making process. **Mr. Childress** further explained changes in the amendment to the committee.

SEN. NELSON asked the committee if they understood the reasons for the amendments.

SEN. WELLS asked for further explanation of the amendments.

SEN. NELSON she was in agreement with the new amendments to the bill. She said the department could spend \$100,000 on habitat enhancement according to the amendment.

SEN. WELLS said he needed to understand the rationale behind the expenditures.

SEN. NELSON said the amendment would limit FWP to the first \$100,000 by their own authority. If FWP's want to continue improving habitat enhancement, they can go up an extra \$100,000 but this must be approved by their commission, she emphasized.

SEN. SPRAGUE told the committee they would need to wait until the next meeting to continue Executive Action on SB 304.

{Tape : 1; Side : A}

SEN. TASH said the FWP amendments addressed concerns brought to the Environmental Quality Council (EQC) regarding the effectiveness of the enhancement programs.

SEN. BISHOP asked **SEN. NELSON** to explain these amendments since the committee did not, as yet, have copies.

SEN. NELSON said the amendments stated at least 25% (\$30,000) of funds set aside for upland game bird release must be spent each year.

Motion: **SEN. WELLS MOVED TO AMEND SB 304 (SB00304.amv).** The motion carried unanimously, 11-0.

SEN. DEBBIE SHEA asked **SEN. NELSON** how old the pheasants were when they were planted.

SEN. NELSON said the current age is determined by rulemaking. Birds are now planted at eight weeks but they would prefer the birds were older so that they would be fully feathered, she explained.

SEN. SHEA noted that the Wildlife Society Bulletin reported 94% of birds released at eight weeks were dead within 30 days. She wondered if this was related to their age.

SEN. NELSON said there were other extenuating circumstances that determined the high mortality rate including weather conditions and insufficient program monitoring.

HEARING ON HB 258

Sponsor: REP. STEVE VICK, HD 31, Belgrade

Proponents: Jeff Hagener, Director, Fish, Wildlife & Parks (FWP)
Toby Day, Montana Wildlife Federation

Opponents: None

Opening Statement by Sponsor:

REP. VICK stated HB 258, which had been "finely tuned by the House," would repeal the sunset on the Shooting Range Development Act and continue to allow the distribution of grants for shooting range development. It is estimated that 90 to 95% of households in Montana have guns. Those individuals need a safe place to practice shooting, REP. LAIBLE said. Proper shooting locations are also becoming more difficult to find.

Proponents' Testimony:

Jeff Hagener, Director, FWP, testified in support of the bill.
EXHIBIT(fis36a01)

Toby Day, Montana Wildlife Federation, testified in support of the bill on behalf of the Federation's 8,000 members noting that a practiced hunter is a better hunter.

Opponents' Testimony:

None

Questions from Committee Members and Responses:

SEN. EVE FRANKLIN asked Mr. Hagener if there were 70 efforts funded.

Mr. Hagener said there had actually been 69 grants distributed to 37 different sites.

SEN. FRANKLIN asked where the shooting sites were located.

Mr. Hagener distributed a list of shooting sites to committee members.

SEN. FRANKLIN asked if grants could be used for further developments or improvements at the same sites.

Mr. Hagener said the money can be used for the development of new sites or to improve existing sites.

SEN. FRANKLIN inquired how many sites were new and how many were improved.

Mr. Hagener said he did not have those statistics.

SEN. FRANKLIN asked if there could be a shooting site saturation point.

Mr. Hagener responded that the program had been in affect since 1989 and there had been requests for the same level of sites each year. He agreed there could be a saturation point, however.

SEN. SHEA asked why Butte-Silver Bow was not on the list of shooting sites.

Mr. Hagener replied they had never applied.

Closing by Sponsor:

SEN. VICK asked the committee to keep the remainder of the bill intact.

EXECUTIVE ACTION ON HB 258

Motion/Vote: SEN. CRISMORE MOVED HB 258 BE CONCURRED IN. The motion carried unanimously, 8-0.

HEARING ON HB 325

Sponsor: REP. RICK LAIBLE, HD 59, Victor

Proponents: Paul Stanton, Hamilton, representing himself

Opponents: None

Opening Statement by Sponsor:

REP. RICK LAIBLE, HD 59, Victor presented HB 325 which would change the current definition of a sailboat. The bill addresses wind-driven canoes and kayaks and the cost to both the county and the individual of licensing these boats.

Proponents' Testimony:

Paul Stanton, Hamilton, representing himself, submitted written testimony in support of HB 325. **EXHIBIT (fis36a02)**

Opponents' Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

SEN. FRANKLIN told the committee her father built a sail-kayak in their living room and remembered the situation fondly. She inquired about the motivation behind the bill.

REP. LAIBLE replied that the bill was at the request of a constituent. If Lewis & Clark were travelling now, they would probably have to license their crafts, he said. Additionally, he stated he was concerned about the effort the county expends to license these vessels.

SEN. TASH asked **REP. LAIBLE** if iceboats were required to be licensed.

REP. LAIBLE replied he did not know if they were licensed.

SEN. SPRAGUE asked if iceboats, then, should be added to the bill.

SEN. CRISMORE asked **Mr. Hagener** why the FWP representatives were so quiet at the hearing.

Mr. Hagener said the department was unsure if iceboats should be a licensed watercraft.

SEN. WELLS wondered if **REP. LABILE's** constituent received a ticket or a guilty conscience.

REP. LAIBLE said his constituent did not receive a ticket but he also did not rig up his sail because it would have been unlawful.

Motion/Vote: SEN. FRANKLIN MOVED HB 325 BE CONCURRED IN. The motion carried unanimously, 8-0. SEN. FRANKLIN agreed to carry the bill.

ADJOURNMENT

Adjournment: 4:20 P.M.

SEN. MIKE SPRAGUE, Chairman

ROBERTA OPEL, Secretary

MS/RO

EXHIBIT (fis36aad)